III. Claims 26-27, drawn to an isolated fimbrial structure, classified in class 530, subclass 300.

Applicant elects with traverse the claims of Group I (claims 1-15 and 18-25) for further prosecution.

The Examiner stated that the inventions in the above-identified groups are distinct from one another. The Examiner also stated that the inventions of Groups I and II are related as product and process of use. The Examiner likewise identified Groups III and II as being related as product and process of use. The Examiner further asserted that under M.P.E.P. § 806.05(h), the related inventions can be shown to be distinct if either or both of the following can be shown:

1. The process for using the product as claimed can be practiced with another materially different product; or

2. The product as claimed can be used in a materially different process of using that product.

The Examiner asserted that in this application, the product of Group I can be used in a different process than that of Group II, such as in a method of producing adhesin protein. Similarly, the Examiner asserted that the product of Group III can be used in a different process than that of Group II, such as in a method of producing antibodies to adhesin. Therefore, the inventions are distinct. See page 3 of the Office Action.

In addition, the Examiner asserted that the products of Group I and the products of Group III are chemically, biologically and functionally distinct from each other and that the product of each group is not needed to produce the product of the other group. Therefore, the inventions of Group I and the inventions of Group II are capable of supporting separate patents. See page 2 of the Office Action.

Reconsideration and withdrawal of the restriction requirement are respectfully requested. Applicants respectfully submit that no undue burden will be placed on the U.S. Patent and Trademark Office in examining all the currently pending claims in the application. Therefore, the restriction requirement should be withdrawn under M.P.E.P. § 803, which provides, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."